

## OFFICE OF RIGHTS AND RESPONSIBILITIES

Promoting Respect on Campus



## ANNUAL REPORT 2017-2018

OCTOBER 2018

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# Office of Rights and Responsibilities - Annual Report 2017-2018

## Introduction

As provided in Article 16 of the *Code of Rights and Responsibilities* (the “**Code**”), annually, the *Office of Rights and Responsibilities* (referred interchangeably as “**ORR**” or the “**Office**”) submits a report to the Secretary-General covering the previous academic year. The report details the activities of the Office, including statistics on complaints received, and makes recommendations, as necessary, with regard to either the Code and/or the operations of the Office. The report is made available by way of the University's publications and it is submitted, for information purposes, to Senate and to the Board of Governors.

This 2017-2018 Annual Report refers to the activities of the Office from May 1, 2017 to April 30, 2018.

## Mandate of the Office and Key Policies

The Office offers impartial, confidential, non-judgmental and independent services to all University Members (students, faculty and staff). It has jurisdiction over alleged infractions involving Members that take place on University premises or on other premises in the course of any University activity or event. Among other things, the Office:

- Provides support and redress to Members who have behavioural complaints and/or concerns
- Manages a complaint resolution process that may include a range of responses such as:
  - Informal procedures (clarifying perceptions, shuttle diplomacy, mediation, settlement agreements, providing strategies, etc.)
  - Formal procedures (adjudication, hearing tribunals, investigations, sanctions, etc.)
- Coordinates procedures for managing behaviour that may pose a danger, risk and/or threat
- Directs the University's response in handling urgent cases

In this context, most of the Office's work is focused on applying and/or administering the following key Policies:

- *Code of Rights and Responsibilities, BD-3 (the “Code”),*
- *Protocol on the Coordination of Urgent Cases of Threatening or Violent Conduct, BD-3 Protocol (the “Protocol”),*
- *Policy on Student Involuntary Leave of Absence, PRVPAA-15 (“POSILA”),*
- *Policy On Harassment, Sexual Harassment and Psychological Harassment, HR-38.*

In 2016, a committee was established to conduct a regular review of the Code. The Board of Governors approved the amended Code in April 2017. As the changes were adopted shortly before the end of the Office's reporting year in 2016-2017, it is worthwhile to mention them here. Notable amendments include the use of gender neutral terminology throughout the Code as well as the addition of “Sexual Violence” as a Code infraction under article 31 in addition to sexual assault (the latter previously an infraction under the Code). For more information about the revised *Code of Rights and Responsibilities*, the Office and its services, please refer to the [ORR website](#).

## Education, Outreach, Promotion and Collaboration

ORR education, outreach programming and promotion take place throughout the year and include participation in student, faculty and employee orientations, offering workshops, training and providing information regarding harassment, dealing with disruptive Members, threatening or violent conduct, POSILA and the Code.

In this context, throughout the 2017-2018 year, ORR participated in and presented at a variety of University events, fairs and activities. Outreach activities also included providing information to other educational institutions and organizations regarding ORR policies and approaches to behavioural incidents and concerns.

## Recommendations

As provided in Article 15 of the Code, the Office may, when warranted, make recommendations regarding situations within a unit, department, faculty or the University as a whole, when such situations have the general effect of violating the rights that are sought to be protected by the Code. Often, these recommendations arise from specific issues or situations that are brought to the Office.

Similarly, and as provided in Article 16 of the Code, when necessary or warranted, the Office will also make certain recommendations regarding the Code and the operations of the Office. Additionally, to the extent that a member of the Concordia community is interested in bringing forward a recommendation for revision(s) to the Code, that member may submit the recommendation(s) in question to the Office for consideration.

## Past Recommendations

Last year, the Office made a recommendation related to information sharing processes and the coordination of implicated units in SOC cases. To date, we do not have enough data to operationalize this recommendation, however, we continue to gather said data with a view to evaluating its implementation.

## General Recommendations

The Office recommends that POSILA be expanded to include an assessment process for *Student of Concern* ("SOC") cases where it appears no longer necessary or appropriate to continue treating these dossiers under said Policy. The majority of SOC files are active for a significant period of time and often require the Office's involvement up to graduation or when the student otherwise leaves the University. There are situations, however, in which a SOC has demonstrated that the matter no longer falls under the Policy and does not require follow-up from the Office. To date, such situations have been resolved on an ad hoc basis. Nevertheless, it is recommended that the POSILA review committee consider updating the Policy accordingly.

## Data Analysis and Statistical Review

### *Activity Summary and Breakdown of Requests for Assistance*

Below is a snapshot of the Office's activity for the 2017-2018 academic year, including the breakdowns by type of contact, the distribution of services by classification and month, Complainant/Respondent demographics and types of infractions reported.

The Office may assist Members with behavioural complaints/concerns in the following ways:

- **Consultations** - the Advisor provides information and/or guidance but usually does not play an active or ongoing role in the situation, complaint or concern
- **Cases** - the Advisor provides information and/or guidance and may also directly intervene, review evidence or play an ongoing role in the situation, complaint or concern

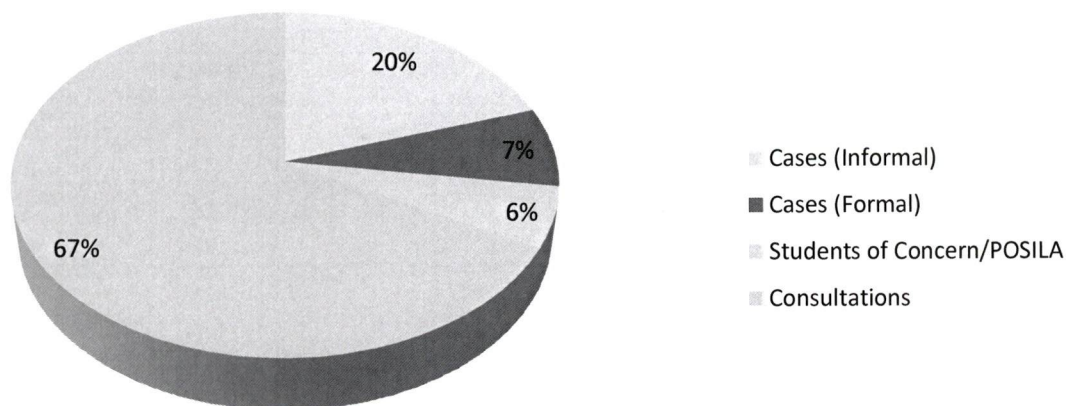
Depending upon the complaint, cases will be classified as "*formal*" or "*informal*." A case typically begins as a consultation; however, if it ultimately evolves into a case, when reporting the data, it is only counted once. Cases (and consultations when applicable) are generally categorized as behavioural issues under the Code and/or the



Protocol, or as SOC under POSILA.

Requests during 2017-2018 totaled 351. The breakdown by percentage is displayed in Chart A.

**CHART A: DISTRIBUTION OF SERVICES (2017-2018)**



Consistent with previous years, consultations accounted for a majority of services provided. With regard to cases, informal resolution was employed almost three times as often as formal resolution, also in keeping with historical patterns. Twenty new formal complaints were processed this year in addition to six active formal complaints carried over from the previous reporting year, comprising approximately seven percent of the Office's activity.

There were 20 active cases involving SOC's and threat assessments, down from the 29 administered in 2016-2017. These accounted for six percent of activity. SOC and threat assessment cases most often involve safety concerns, medical/mental health issues and/or serious disciplinary matters, generally requiring an immediate response and intervention and, more often than not, comprehensive cross-sectorial coordination. Cases treated under POSILA are often active throughout a SOC's academic career.

**TABLE 1: REQUESTS FOR ASSISTANCE (2017-2018)**

2017-2018 Academic Year	Cases	Consultations	Total
May 1, 2017 - April 30, 2018	116	235	351

**TABLE 2: 3 YEAR ANNUAL COMPARISON**

Year	Months	Cases	Consultations	Total
2015-2016	12	95/147 <sup>1</sup>	184/192 <sup>1</sup>	279/339 <sup>1</sup>
2016-2017	12	98	188	286
2017-2018	12	116	235	351

<sup>1</sup> Includes additional consultations or complaints related to exceptional circumstances

Requests for assistance totalled 351 (116 cases and 235 consultations) as displayed in Tables 1 and 2 in 2017-2018. Overall, requests for assistance this year were elevated in comparison with previous years (an approximate increase of 23% since 2016-2017). This increase in Office activity may be attributed to heightened awareness of what constitutes problematic behaviour on campus and an increased willingness to access resolution options, particularly in relation to matters involving sexual violence.

**TABLE 3: BREAKDOWN BY CASE TYPE – 3 YEAR ANNUAL COMPARISON**

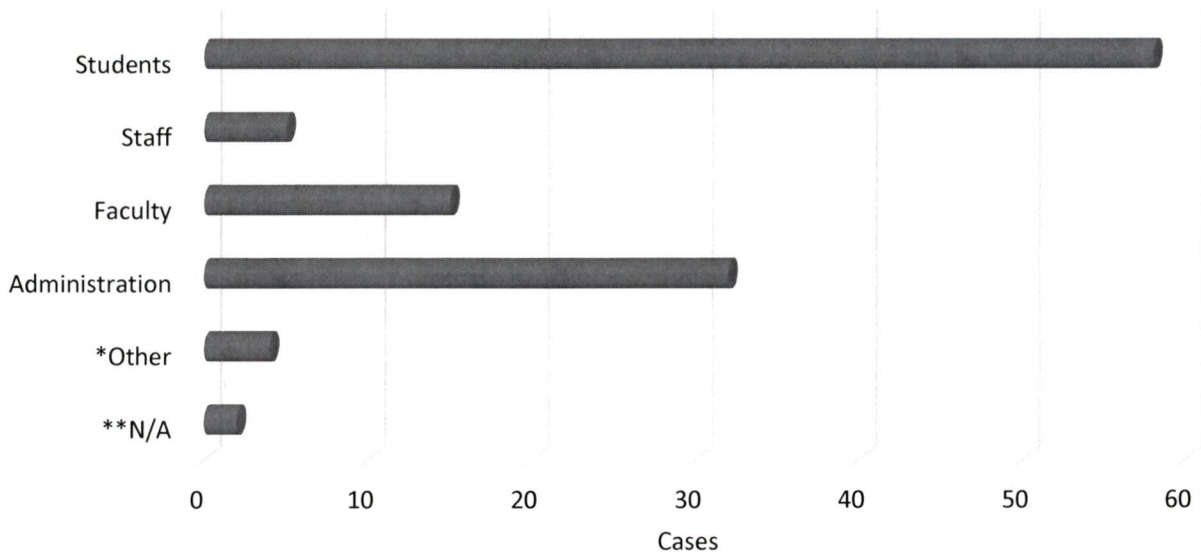
Case Type/Year	2017-2018	2016-2017	2015-2016
Informal	70	55	63/66 <sup>1</sup>
Formal	26	14	14/63 <sup>1</sup>
SOC/Threat Assessment	20	29	19 <sup>2</sup>
Total Cases	116	98	95/147 <sup>1</sup>
<sup>1</sup> Includes additional cases related to exceptional circumstances			
<sup>2</sup> There were actually 18 SOC cases and one additional informal case that was also counted as a SOC case.			

## Who is seeking assistance?

The term “Complainant” is used to refer to any member of the University community who is directly affected by someone’s behaviour and who raises a concern with the Office. The conduct in question should be within the scope of the Code. If warranted, a case file is opened regardless of whether informal resolution was sought or a formal complaint was launched. In 2017-2018, students followed by members of the administration most often requested assistance from the Office in both case and consultation categories.

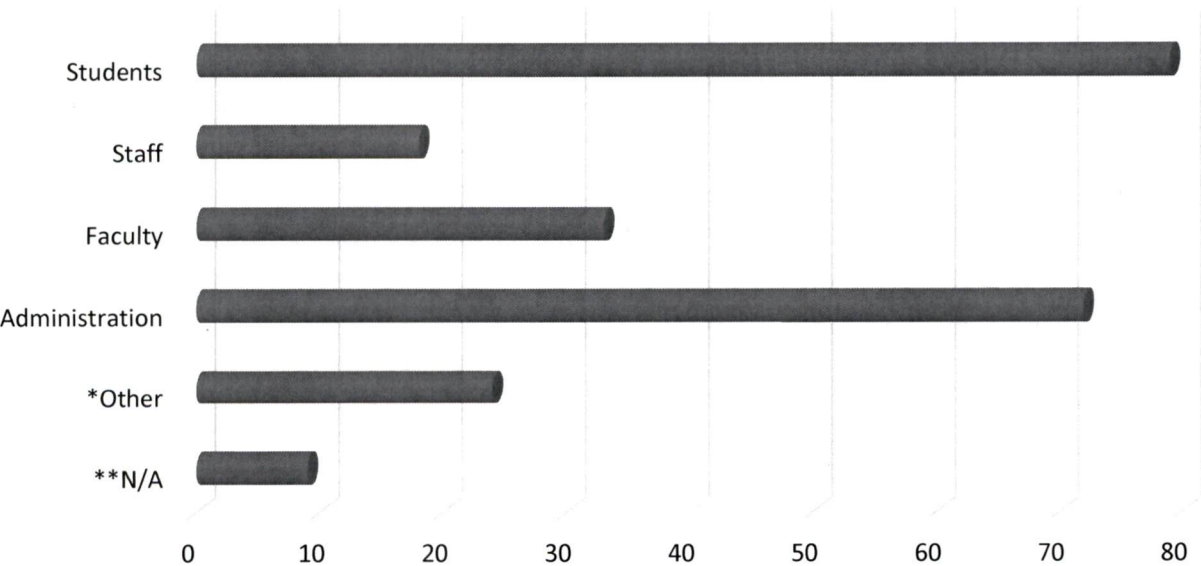
**CHART B: COMPLAINANT DEMOGRAPHICS (CASES)**

*Requests for assistance/complaints were generated by:*



**CHART C: COMPLAINANT DEMOGRAPHICS (CONSULTATIONS)**

*Requests for assistance/complaints were generated by:*



\* "OTHER" REFERS TO NON-MEMBERS, ALUMNI, ETC.

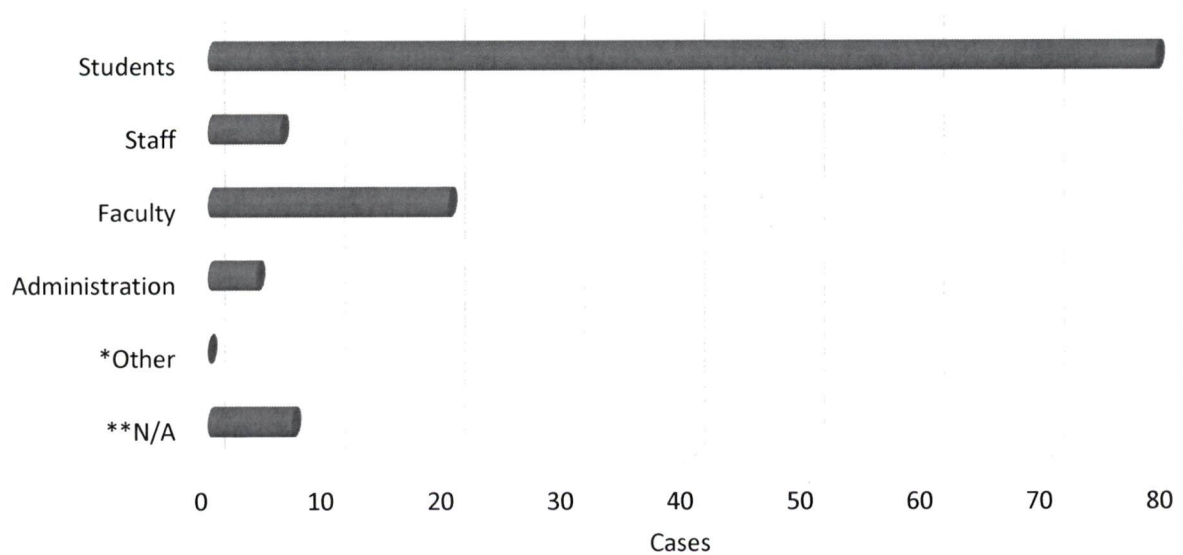
\*\* "N/A" REFERS TO COMPLAINANTS WHO ARE UNKNOWN AND/OR UNIDENTIFIED.

## Who are complaints being made against?

The term “Respondent” refers to the person against whom a complaint is made. A “Respondent” is any Member who is alleged to be responsible for undesirable behaviour described as an offense/infraction under the Code, thereby giving rise to a Complainant seeking resolution within the scope of the Code. In 2017-2018, students were predominantly the respondents in both complaints and consultations.

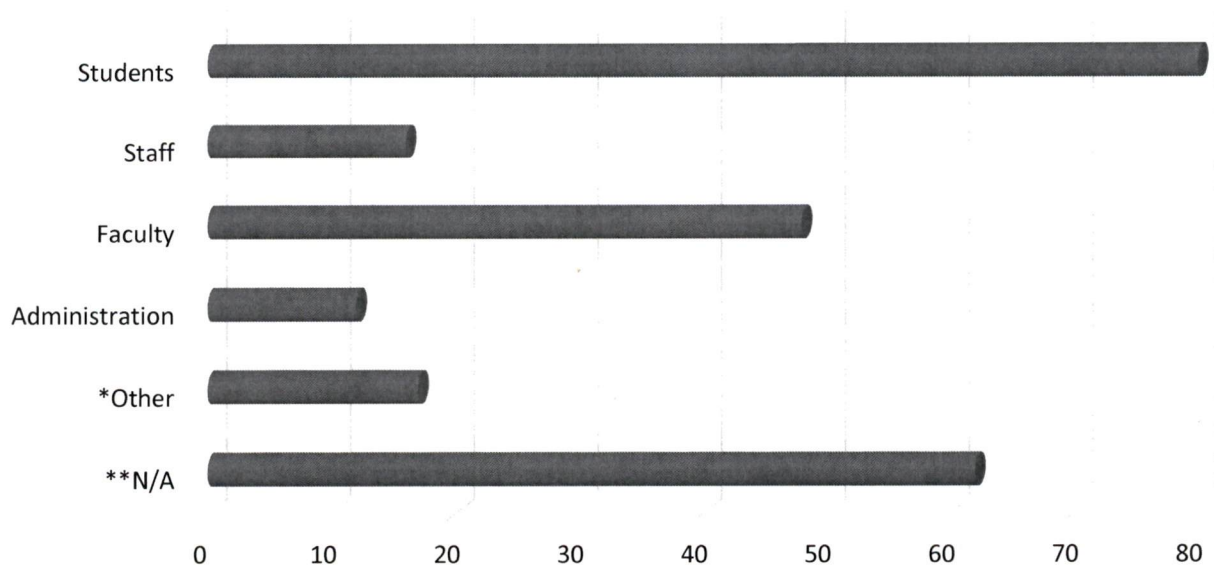
**CHART D: RESPONDENT DEMOGRAPHICS (CASES)**

*Complaints were generated against:*



**CHART E: RESPONDENT DEMOGRAPHICS (CONSULTATIONS)**

*Complaints were generated against:*



\* “OTHER” REFERS TO NON-MEMBERS, ALUMNI, ETC.

\*\* “N/A” REFERS TO CASES OR CONSULTATIONS IN WHICH THERE WAS NO RESPONDENT SPECIFIED.



**TABLE 4: BREAKDOWN OF CASES (116) AND CONSULTATIONS (235) BY INFRACTION**

Offence	Code	In 116 Cases	In 235 Consults	Total Infractions
Threatening or Violent Conduct	30	16	9	25
Sexual Violence and Sexual Assault	31	16	19	35
Harassment	32	47	49	96
Sexual Harassment	33	23	18	41
Psychological Harassment	34	5	4	9
Discrimination	35	6	15	21
Communication of Discriminatory Matter	36	6	4	10
Offences against property	37	1	1	2
False Information	38	3	0	3
Maliciously activating fire alarms	39	0	0	0
Bomb threats	40	1	0	1
Theft or abuse of computing facilities or computer time	41	0	0	0
Unauthorized entry into University property	42	1	0	1
Obstruction or disruption of work or studies	43	1	4	5
Camping or lodging on University property	44	0	0	0
Forging or altering University documents	45	3	0	3
Hazing	46	0	0	0
Unlawful use, sale, distribution, etc. of controlled substances	47	0	0	0
Possession or use of explosives or destructive devices	48	0	0	0
Possession or use of firearms, chemicals, or other weapons	49	0	0	0
Unauthorized or duplication of University's name, logos, etc.	50	0	0	0
Unlawful offense in the University context	51	0	0	0
SOC/Threat Assessment/POSILA	SOC	20	8	28
*Miscellaneous Consultations		2	113	115
<b>Total</b>		<b>151</b>	<b>244</b>	<b>395</b>

*\*MISCELLANEOUS CONSULTATIONS REFERS TO FILES/ISSUES THAT MAY INVOLVE PROBLEMATIC BEHAVIOUR NOT CLASSIFIED UNDER THE CODE, SITUATIONS OF ADMINISTRATIVE FOLLOW-UP OR MATTERS IN WHICH THE OFFICE HAS LIMITED JURISDICTION, ETC.*

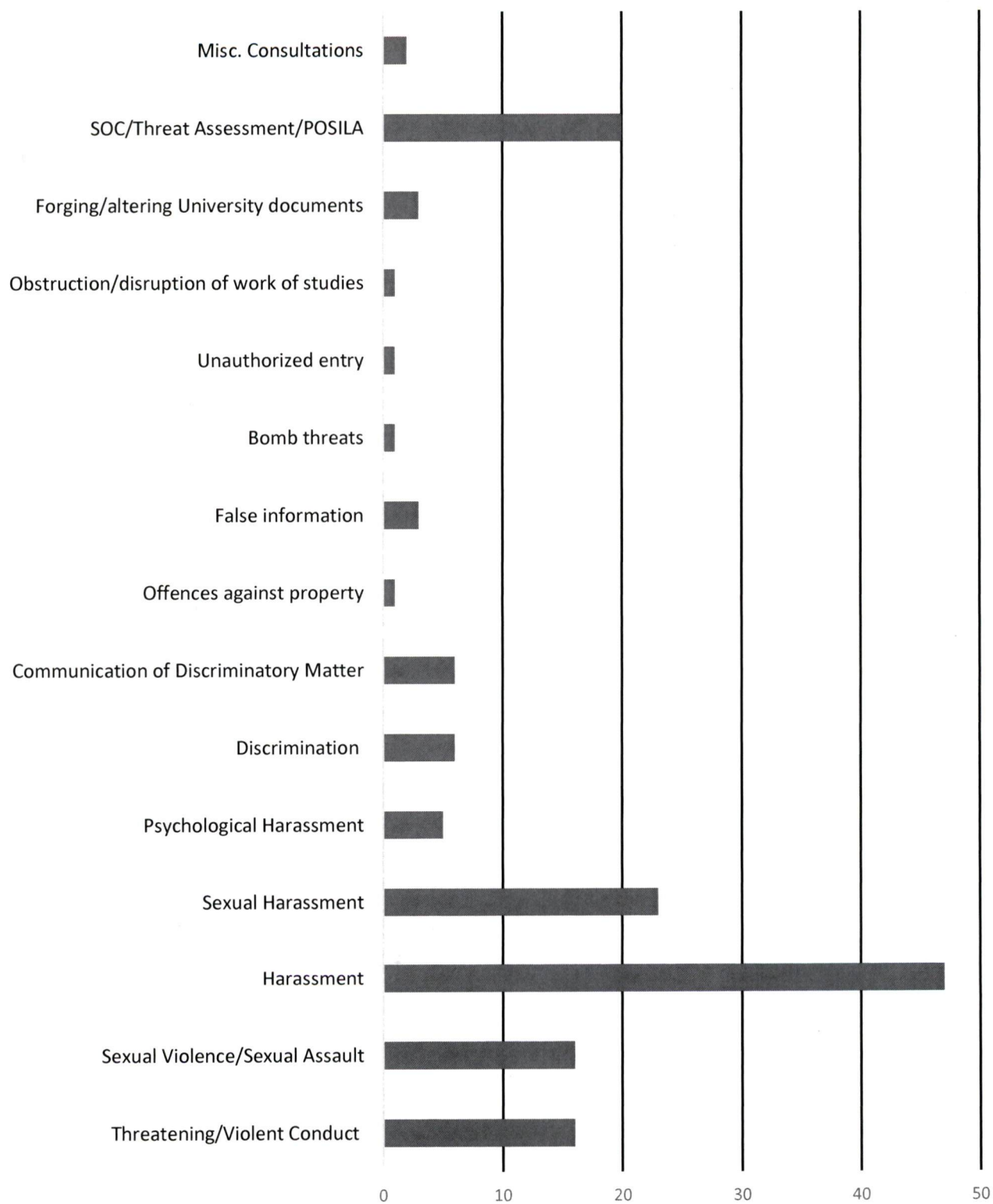
Some complaints and/or consultations allege multiple Code infractions. These complaints are nonetheless counted as a single file, regardless of the number of offences cited. Consultations more often than cases will not allege a complaint or issue that falls neatly under the Code. As such, these situations often require information and advice, do not evolve into cases and also account for the high number in the "Miscellaneous Consultations" category.

In 2017-2018, the Office observed increases in the categories of harassment and sexual harassment. Reported incidents of discrimination and threatening or violent conduct were also higher. It is important to note that sexual violence is now included in conjunction with sexual assault as a standalone infraction category, distinct from sexual harassment (also referred to on page one of this Report). Prior to the adoption of the revised Code in April 2017, sexual assault fell under the umbrella of sexual harassment. These definitional changes reflect the understanding that offences of a sexual nature occur along a spectrum. They also underscore the importance of policies in which complainants can see their experiences more broadly reflected. In this reporting year, there were 35 reported infractions under the category of sexual violence and sexual assault.

The Office observed a decrease in new or ongoing requests for assistance involving SOC's and POSILA (down to 28 from 33 in 2016-2017) and complaints related to the obstruction or disruption of academic activities (down to five from 13) in the previous year. There were no other material variations in the number of reports regarding other Code infractions.

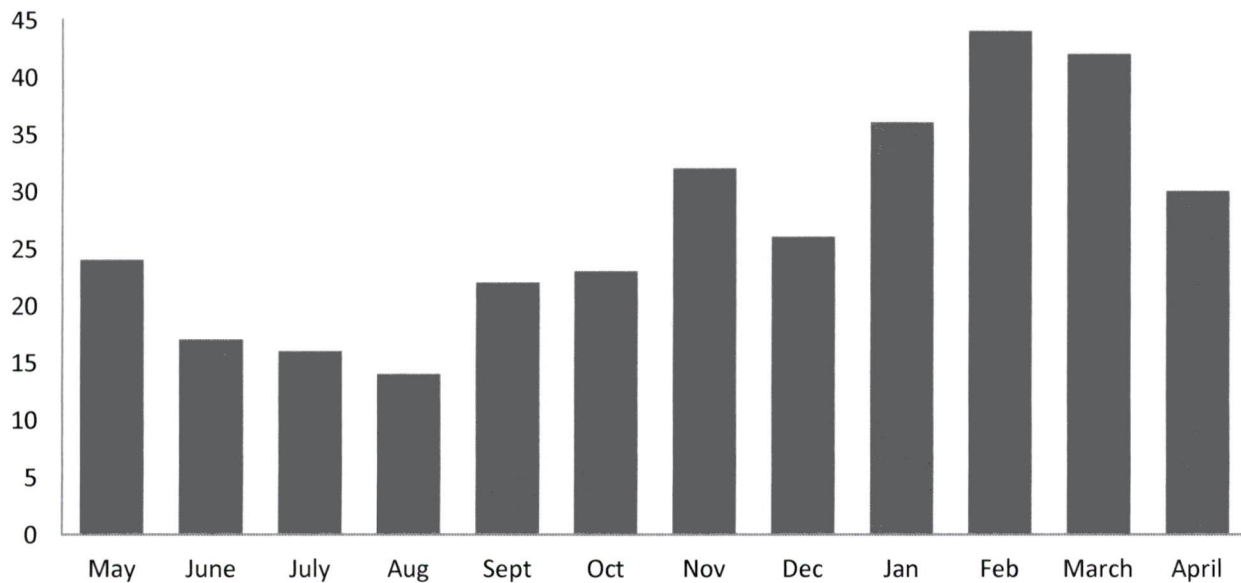
**CHART F: PRESENTING ISSUES (CASES) 2017–2018**

Chart F provides a visual overview of the types of case offences reported.



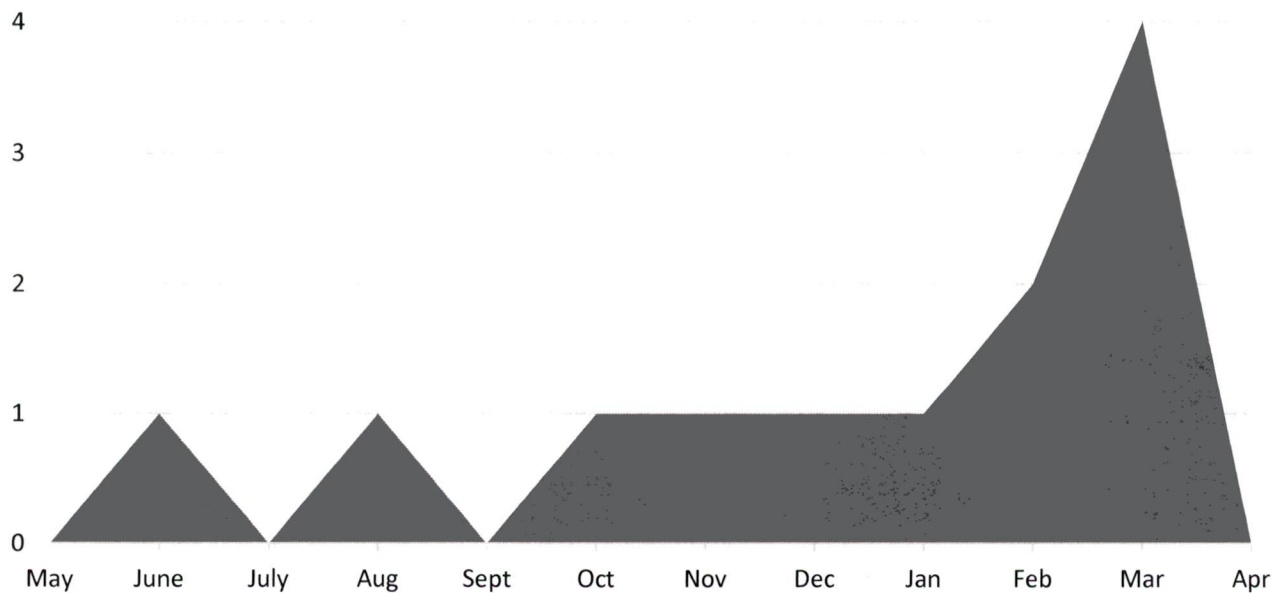


**CHART G: MONTHLY DISTRIBUTION OF NEW REQUESTS FOR ASSISTANCE (326)**



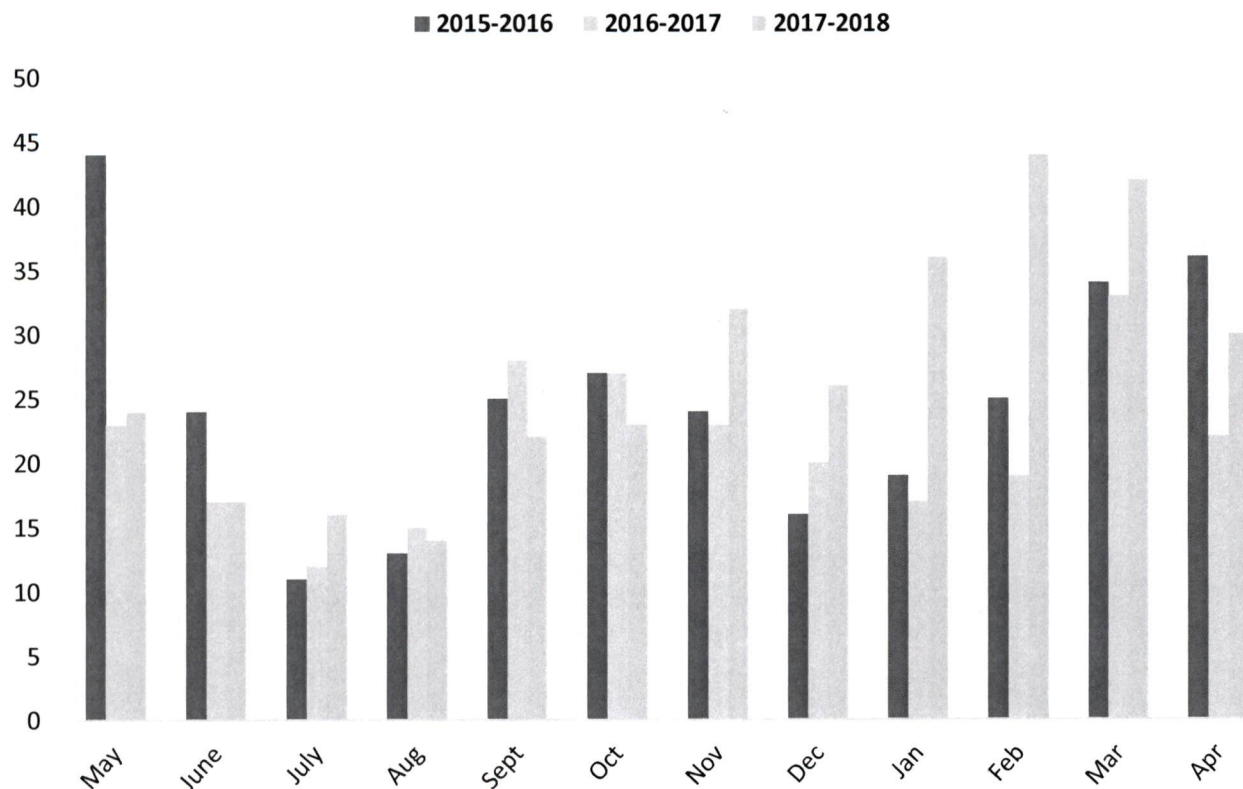
*Note: Twenty-five ongoing requests for assistance were carried over from 2016-2017 and are not reflected in this graph.*

**CHART H: STUDENTS-OF-CONCERN DISTRIBUTION**



Of the 12 new SOC cases received in 2017-2018, none were reported during the months of April, May, July and September. Two students were placed on involuntary leaves of absence in 2017-18 while other dossiers required varying levels of intervention, coordination and/or the implementation of restrictions. To date, we have not observed a consistent trend regarding time periods in which SOC files are most often brought to the attention of the Office, nevertheless we will continue to monitor the data for any relevant patterns.

**CHART I: MONTHLY DISTRIBUTION OF NEW REQUESTS FOR ASSISTANCE (CASES AND CONSULTATIONS) - 3 YEAR COMPARISON:**



In analyzing new requests for assistance over the last three year period (excluding exceptional circumstances), the Office typically receives more requests in the months of March, September, October and November. Please note that requests of an administrative nature (“Other Requests”), which were historically reported are not represented in this graph and that the Office discontinued reporting such requests in 2016-2017.

### Formal Complaints

In 2017-2018, there were 26 formal complaints in progress with the Office. Formal complaints can be resolved informally or formally and a complaint can be withdrawn at any time prior to the start of a hearing or investigation. Additionally, an informal resolution may not work for any number of reasons and may end up going through a formal resolution process. Finally, even when there is a formal resolution, there is an appeal process which can be triggered in certain circumstances.

## Closing Remarks

The number of requests for assistance received by the Office in 2017-2018 increased by approximately 23%. This increase was most apparent with regard to consultations, which remains the most requested form of assistance. Informal resolution continues to be the preferred approach in resolving behavioural dispute cases. The 2017-2018 year included an increase in dossiers and consultations related to harassment, sexual harassment, discrimination and threatening or violent conduct, and also included 35 requests in the new standalone category of sexual violence and sexual assault. These increases will guide the Office in terms of developing targeted training, outreach and educational initiatives on subjects such as identifying, addressing and counteracting these behaviours.

In closing, I would like to extend my thanks to Sraddha Bista and Bruce Carlini for their assistance throughout the year. I would also like to extend our thanks to the Secretary-General, our internal partners and the Concordia community for their invaluable assistance to the Office in its work.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L White', with a stylized, flowing script.

Lisa White

Interim Director, Rights and Responsibilities



CONNECTION  
THREATS  
DISRUPTIVE  
BEHAVIOUR  
EQUITY  
DISCRIMINATION  
COOPERATION  
COLLEGIALITY  
DIVERSITY  
TRESPASSING  
CIVILITY  
HARASSMENT  
THEFT  
RESPECT  
HARMONY